

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BIOMEDINO, LLC,

Plaintiff,

v.

WATERS TECHNOLOGIES  
CORPORATION, GENERAL  
ELECTRIC COMPANY d/b/a GE  
HEALTHCARE, AGILENT  
TECHNOLOGIES, INCORPORATED,

Defendants.

NO.: CV05-0042L

**[PROPOSED] JUDGMENT UNDER RULE  
54(B) OF THE FEDERAL RULES OF CIVIL  
PROCEDURE**

AND RELATED COUNTERCLAIMS.

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05-CV-00042-AF

[PROPOSED] JUDGMENT UNDER RULE 54(B) OF THE  
FEDERAL RULES OF CIVIL PROCEDURE  
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1 Defendants have moved without opposition for entry of judgment under Fed. R. Civ. P.  
2 Rule 54(b), see "Unopposed Motion for Entry of Judgment under Rule 54(b) of the Federal  
3 Rules of Civil Procedure." This Court has determined that no just reason for delay exists and  
4 directs entry of Judgment under Rule 54(b).

5 Claims 13-17 and claim 40 are at issue in this case and each recites "control means for  
6 automatically operating said valving." The Court has determined that the "control means"  
7 element of claims 13-17 and claim 40 is subject to § 112, ¶ 6 of the Patent Act. A failure by the  
8 patent specification to disclose adequate structure corresponding to the recited function means  
9 that the claim is indefinite in violation of § 112, ¶ 2 of the Patent Act.

10 The Court determined that the "control means" element has no "corresponding structure,  
11 material, or acts described in the specification and equivalents thereto" (35 U.S.C. § 112, ¶ 6),  
12 and that claims 13-17 and 40 are therefore invalid for indefiniteness under § 112, ¶ 2. Therefore,  
13 this Court enters judgment in favor of defendants as follows:

14 It is ADJUDGED and DECREED that claims 13-17 and 40 of United States Patents No.  
15 6,602,502 are indefinite and are therefore invalid for failing to satisfy the requirements of 35  
16 U.S.C. § 112 ¶ 2.

17 SO ORDERED.

18  
19 Dated: March 15, 2006

  
The Honorable Robert S. Lasnik  
United States District Judge

Submitted By:

s/ Kurt T. Mulville

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**CERTIFICATE OF SERVICE**

I hereby certify that on **March 15, 2006**, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following individuals:

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